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Group Art Unit: 2116

Examiner: THUAN N DU

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

In response to the Office Action dated January 15, 2004, Applicants respectfully request reconsideration and withdrawal of the rejections of the claims.

Claims 22, 43, 64, 85, 90 and 94 were rejected on the grounds of obviousness-type double patenting, in view of claims 1, 10, 13, 16, 24, 25, 29 and 32 of parent Patent No. 6,282,646. In setting forth this rejection, the Office Action states:

Although the conflicting claims are not identical, they are not patentably distinct from each other because the system would operate in the same manner (reconfigure the system) whether or not the system receives an indication of an addition of an I/O device to frame buffer associated with the computer system.

Office Action dated January 15, 2004, page 2, para 5.

It is respectfully submitted that this statement does not provide a proper basis for rejecting the claims on the grounds of obviousness-type double patenting. As set forth in MPEP §804, any analysis employed in an obviousness-type double patenting rejection parallels the guideline for analysis of a 35 U.S.C. §103 obviousness determination, and must employ the factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). The MPEP goes on to state that an obviousness-type double patenting rejection must identify (A) the differences between the inventions defined by the conflicting claims – *a* claim in the patent compared to *a* claim in the application, and (B) the reasons why those differences would be obvious to a person of ordinary skill in the art. The above-quoted statement of rejection does not satisfy those criteria. The mere fact that the subject matter set forth in the identified claims of the present application would accomplish the same ultimate result as the subject matter of the identified claims from the parent, i.e., reconfigure the display system, does not address the issue of whether the *differences* between individual claims would be obvious to a person of ordinary skill in the art. The Office Action has not identified any support in the prior art to show that the differences between any given claim from the present application and one from the issued patent are known and would have been obvious at the time of the invention.

Accordingly, Applicants respectfully request withdrawal of the obviousness-type double patenting rejection. If the rejection is maintained, the Examiner is requested to provide a statement of rejection that complies with the requirements set forth in MPEP §804, part II.B.1 (8th Edition at page 800-22).

All of the pending claims were rejected under 35 U.S.C. §103, on the grounds that they were not considered to be patentable over the newly-cited Monnes et al patent. In

essence, the rejection alleges that the Monnes patent teaches all of the claimed subject matter, with the exception of providing a notification to a display manager. In connection with this distinction, the Office Action alleges that a person of ordinary skill in the art "would have readily recognized that the video BIOS disclosed by Monnes would function as a display manager." The Office Action does not provide any support for this contention, and Applicants respectfully submit that it is unfounded.

The acronym "BIOS" is understood by those of ordinary skill in the art to identify the Basic Input Output Software of a computer system. See the Monnes patent at column 2, lines 27-28. A copy of the relevant page from the Microsoft Computer Dictionary, 5th Edition, is attached. As set forth therein, BIOS is defined as "the set of essential software routines that tests hardware at startup, starts the operating system, and supports the transfer of data among hardware devices, including the date and time." As indicated therein, the BIOS is considered to be separate from the computer's operating system. In this regard, note Figure 3 of the Monnes patent, in which the BIOS 42 is identified as a component separate from the operating system 43.

A display manager, on the other hand, is a component of the computer's operating system. See the present application at Figure 1, as well as page 5, line 18. As defined therein, the display manager "provides communication between each of the software components, and dynamically configures the display devices 12." For so-called "smart displays," the display manager 22 communicates directly with the display device, over a communication channel 24. As further recited on page 6, lines 9-15, the display manager also communicates with other parts of the operating system 18 and the other software programs 20 that are running on the computer.

There is no suggestion, either in the Monnes patent or in the accompanying definition from the Microsoft Computer Dictionary, that the BIOS of a computer system operates to perform any of these functions. Rather, the purpose of the BIOS is quite distinct from that of the display manager. Applicants respectfully submit that a person of ordinary skill in the art would not consider the BIOS disclosed in the Monnes patent to be the same as the display manager recited in the rejected claims.

The difference between the display manager and the BIOS underlies a more fundamental distinction between the claimed subject matter and the disclosure of the Monnes patent. The claimed invention is directed to real-time adaptation to changes in the configuration of a display system. To this end, the claims recite that an indication is provided when a display device is *added* or *removed* from the computer system. Thus, the claims recite *dynamic* changes that occur while the computer is running. In contrast, the Monnes patent only deals with a static display configuration. For example, as recited at column 6, lines 29-38, the ID of the installed monitors is checked "at each power on of an installed (set up) system." In response, the video BIOS is provided with information defining the size of the entire set of key data, "relative to all *currently* installed video adaptors." Thus, at power-on, the BIOS obtains a snapshot of the current display configuration. The patent does not address what happens if a monitor is added, or removed, after the power-on sequence occurs. As such, it does not suggest the concept of providing a notification, either to a display manager or to other components of the display system, when such an event occurs. In other words, the Monnes patent does not demonstrate the real-time "awareness" of changes in the display configuration that


characterizes the present invention, and the ability to accommodate them without the need to restart the computer.

Accordingly, it is respectfully submitted that the Monnes patent does not suggest the claimed subject matter to a person of ordinary skill in the art. Reconsideration and withdrawal of the rejection is respectfully requested.

Respectfully submitted,

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